

# Exhibit 2

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9  
10 UNITED STATES DISTRICT COURT  
11 CENTRAL DISTRICT OF CALIFORNIA  
12 WESTERN DIVISION

13 SONY CORPORATION, A Japanese  
corporation,

14 Plaintiff,

15 vs.

16 VIZIO, Inc.,

17 Defendant.

CASE NO. SA CV 08-01135-RGK  
(FMOx)

**RESPONSE TO VIZIO, INC.'S  
FIRST SET OF  
INTERROGATORIES (NOS. 1-18)**

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19  
20 Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Plaintiff Sony  
21 Corporation ("Sony") objects and responds to Defendant Vizio, Inc.'s ("Vizio")  
22 First Set of Interrogatories (Nos. 1-18) ("Interrogatories") as follows:

23 **Preliminary Statement**

24  
25 Sony has made a reasonable investigation for information responsive to  
26 Vizio's Interrogatories based upon its current employees' knowledge, information,  
27 and belief. Sony is still pursuing its investigation and analysis of the facts and law  
28 pertaining to this action, and has not yet completed its investigation. Thus, Sony's

1 responses are made without prejudice to Sony's right subsequently to add, modify,  
2 or otherwise change or amend its responses. Sony reserves the right to make any  
3 use of, or to introduce at any hearing, and at trial, information and/or documents  
4 responsive to Vizio's Interrogatories but discovered subsequent to the date of this  
5 response. Sony reserves all objections or other questions as to the competency,  
6 relevance, materiality, privilege, or admissibility in any proceeding or trial of this or  
7 any other action for any purpose whatsoever of Sony's responses herein and any  
8 document or thing identified or provided in response to Vizio's Interrogatories.  
9 Sony provides these written responses to Vizio's Interrogatories subject to the  
10 general and specific objections stated below.

11  
12 **General Objections**

13 The following general objections apply to each and every interrogatory  
14 propounded by Vizio and are incorporated into each of the following responses by  
15 reference as if set forth fully therein.

16 1. Sony objects to the Interrogatories, and the instructions and definitions  
17 that accompany them, to the extent that they are premature.

18 2. Sony objects to the Interrogatories, and the instructions and definitions  
19 that accompany them, to the extent that they seek to impose obligations and  
20 demands on Sony greater than or more extensive than those required by the Federal  
21 Rules of Civil Procedure or the Local Rules of the United States District Court for  
22 the Central District of California.

23 3. Sony objects to the Interrogatories, and the instructions and definitions  
24 that accompany them, to the extent that they seek information subject to attorney-  
25 client privilege, attorney work product immunity, or other privilege or immunity  
26 against disclosure. Such information will not be provided in response to the  
27 Interrogatories, and any inadvertent disclosure thereof shall not be deemed a waiver  
28

1 of any privilege with respect to such information or of any work product doctrine  
2 protections which may attach thereto.

3 4. Sony objects to the Interrogatories, and the instructions and definitions  
4 that accompany them, to the extent that they purport to require the production of  
5 proprietary and confidential information of any third parties to whom Sony may be  
6 under obligations of confidentiality.

7 5. Sony objects to the Interrogatories, and the instructions and definitions  
8 that accompany them, to the extent that they are vague, ambiguous, unintelligible,  
9 overly broad, unduly burdensome, oppressive, and harassing and seek information  
10 that is not relevant to the subject matter of this action nor reasonably calculated to  
11 lead to the discovery of admissible evidence.

12 6. Sony objects to the Interrogatories, and the instructions and definitions  
13 that accompany them, to the extent they seek information available through public  
14 sources or are known to Vizio.

15 7. Sony objects to the Interrogatories, and the instructions and definitions  
16 that accompany them, to the extent that they call for legal conclusions.

17 8. Sony objects to the Interrogatories to the extent they contain discrete  
18 subparts improperly grouped as a single interrogatory.

19 9. Sony objects to the definitions of "you," "your," and "Sony" in the  
20 "Definitions" section of the Interrogatories, on the basis that they are overbroad,  
21 unduly burdensome, and purport to place discovery obligations upon Sony that  
22 exceed those required by the Federal Rules of Civil Procedure. Sony submits these  
23 responses on its own behalf and does not speak for other entities.

24 10. Sony objects to the definitions of "Sony Patent(s)," "Asserted Sony  
25 Patent(s)," and "Patents-in-Suit" to the extent such definitions include patents not  
26 asserted in Sony's First Amended Complaint. Sony reserves the right to supplement  
27 its responses to these Interrogatories to the extent additional patents are in suit.  
28

1           10. Sony objects to the Interrogatories to the extent that they seek  
2 information not within the possession, custody or control of Sony. An objection on  
3 this ground does not constitute a representation or admission that such information  
4 does in fact exist.

5           11. Except for explicit facts admitted in these responses, no incidental or  
6 implied admissions are intended and these responses shall not be construed to be a  
7 waiver by Sony of all or any part of any objection to the Interrogatories.

8           12. Sony objects to the Interrogatories as premature to the extent that they  
9 call for responses that are the subject of expert testimony and the parties have not  
10 yet engaged in expert discovery or exchanged expert witness reports.

11           13. Sony has made a reasonable investigation for information responsive to  
12 the Interrogatories. Sony is still pursuing its investigation and analysis of the facts  
13 and law pertaining to this action and has not yet completed its investigation. Thus,  
14 Sony's responses are made without prejudice to Sony's right subsequently to add,  
15 modify or otherwise change or amend these responses. The information contained  
16 in these responses is also subject to correction for omissions or errors.

17           14. Sony objects to the manner of responding specified in the  
18 Interrogatories and the instructions and definitions that accompany them. Sony will  
19 respond to the Interrogatories in a manner that conforms to the Federal Rules of  
20 Civil Procedure and the Local Rules of the Central District of California.

21           15. Sony objects to each interrogatory as compound to the extent it  
22 contains multiple sub-parts.

23           15. Any objection by Sony does not constitute a representation or  
24 admission that such information does in fact exist or is known to Sony.

25           16. Sony reserves its right to supplement these responses.  
26  
27  
28

1 **INTERROGATORIES**

2  
3 **INTERROGATORY NO. 1:**

4 Separately for each Accused VIZIO Product and for each Asserted Claim,  
5 using a claim chart format, indicate the element or component of such Accused  
6 VIZIO Product that allegedly meets each limitation of each Asserted Claim,  
7 specifying whether each such limitation is alleged to be met, directly or indirectly,  
8 literally or under the doctrine of equivalents and the complete factual and legal basis  
9 for your answer.

10 **RESPONSE TO INTERROGATORY NO. 1:**

11 Sony incorporates each of its general objections by reference. Sony objects to  
12 this request as premature to the extent it calls for Sony to have determined the  
13 "complete" legal and factual bases for its contentions at this early stage in discovery.  
14 Sony further objects to this request as being unduly burdensome to the extent that it  
15 calls for a response "[s]eparately for each Accused VIZIO Product." Sony further  
16 objects to this request to the extent it calls for information protected from discovery  
17 by the attorney-client privilege and/or the work product doctrine. Sony also objects  
18 to this request to the extent it requests information in the possession of third parties  
19 or otherwise unknown to Sony. Sony also objects to this request to the extent it  
20 calls for a legal conclusion. Sony objects to this request as premature to the extent  
21 that it seeks information that is more properly the subject of expert testimony.

22 Without waiving the foregoing general and specific objections and subject to  
23 those objections, Sony responds as follows:

24 Discovery in this matter is at a very early stage and is ongoing. Vizio has not  
25 yet produced any documents and things, or provided any deposition testimony in  
26 this action. Moreover, an inspection of the Accused VIZIO Products has not taken  
27 place nor has VIZIO confirmed that it will make any of the Accused Products  
28 available for inspection. Sony's investigation regarding these and other potential

1 grounds of infringement is ongoing. This response is therefore based upon  
2 information that Sony has been able to obtain publicly, together with Sony's current  
3 good faith belief regarding the Accused Products, and is given without prejudice to  
4 Sony's right to supplement and/or modify this response as additional facts are  
5 ascertained, analyses are made, research is completed and claims are construed.

6 Vizio makes, uses, sells, offers for sale and/or imports into the United States  
7 instrumentalities that by themselves or in combination with other products or  
8 services are capable of displaying digital video signals, including, without  
9 limitation, the following Vizio televisions: VA19L HDTV10T; VA190E;  
10 VA190E-W; VW19L HDTV10F; HDX 20L; L20; VX20L HDTV; VX20L  
11 HDTV1A; VX20L HDTV20A; VXW20L HDTV10A; VX200E; VO22L  
12 HDTV10A; VO22L FHDTV10A; VA22L FHDTV10T; VW22L HDTV10T;  
13 VA220E; VA220M; VO220M; VA260E; VGM26F; VA26L HDTV10T; VW26L  
14 HDTV10F; VW26L HDTV20F; L30; L30e; L30WGUe; L30WGU; VA320E; L32;  
15 L32 HDTV; L32 HDTV10A; L32 HDTV20A; VECO320L 1A; VO32L HDTV10A;  
16 VO32L FHDTV10A; VO320E; SV320XVT; VOJ320F1A; VP322 HDTV10A;  
17 VU32L HDTV10A; VU32L FHDTV10A; VW32L HDTV10A; VW32L  
18 HDTV20A; VW32L HDTV30A; VW32L HDTV40A; VX32L HDTV; VX32L  
19 HDTV10A; VX32L HDTV20A; L37 HDTV10A; L37 HDTV; VO37L HDTV10A;  
20 VO37L FHDTV10A; VO37L FHDTV20A; VOJ370F1A; VO370M; SV370XVT;  
21 VS370E; VU37L HDTV10A; VU37L FHDTV10A; VW37L HDTV10A; VW37L  
22 HDTV20A; VW37L HDTV30A; VW37L HDTV40A; VX37L HDTV; VX37L  
23 HDTV10A; VX37L HDTV20A; VO40L HDTV10A; VO40L FHDTV10A; VX40L  
24 HDTV10A; VX40L FHDTV10A; HDX42P; GV42L HDTV; GV42L FHDTV10A;  
25 L42 HDTV10A; L42 HDTV; P42; P42 ED; P42 HD; P42 HDTV; P42e; P42Hde;  
26 P42HDeA; P42EDM; P42eA; P42HDTV10A; RP56; RP56e; SV420XVT 1A;  
27 SV420XVT 1AB; SV420M; VO42L FHDTV10A; VO420E; VP42 HDTV; VP42  
28 HDTV10A; VP42 HDTV20A; VP422 HDTV10A; VP423 HDTV10A;

1 VS420LF1A; VS42L FHDTV10A; VU42L HDTV10A; VU42L FHDTV10A;  
2 VW42L HDTV10A; VW42L FHDTV10A; VX42L HDTV10A; GV46L HDTV;  
3 GV46L HDTV10A; GV46L FHDTV20A; VX46L FHDTV10A; P46; VW46L  
4 FHDTV10A; VW46L FHDTV20A; GV47L FHDTV; GV47L FHDTV20A;  
5 SV470XVT1A; SV470XVT1AB; VO47L FHDTV10A; VO47L FHDTV20A;  
6 VO47L FHDTV30A; VO47L 120F1A; VO470E; VW47L FHDTV10A; JV50P  
7 HDTV10A; P50HD; P50 HDTV10A; P50 HDTV20A; VP50 HDTV; VP50  
8 HDTV10A; VP50 HDTV20A; VP503 HDTV10A; VP504 FHDTV10A;  
9 VP505XVT1A; GV52L FHDTV10A; VX52L FHDTV10A; VF550XVT1A;  
10 VM60P HDTV; VM60P HDTV10A; L15; L13; L13e; L13 TVJ10; L6; L5; L4; L3;  
11 P1; P4 (the "Accused Products"). On information and belief, the Accused Products  
12 infringe, directly and literally, one or more claims of the Asserted Patents. Sony  
13 reserves its right to contend that VIZIO's infringement of any element of an  
14 Asserted Claim is indirect. Sony also reserves its right to contend that VIZIO's  
15 infringement of any element of an Asserted Claim is under the doctrine of  
16 equivalents because any differences between a claim element and the Infringing  
17 VIZIO Products are insubstantial and the Infringing Products perform substantially  
18 the same function, in substantially the same way, to reach substantially the same  
19 result.

20 See Exhibits A-J.

21  
22 **INTERROGATORY NO. 2:**

23 Separately for each Asserted Sony Claim, specify each claim term that Sony  
24 contends requires construction by the Court and state the proper construction of each  
25 such term, setting forth all bases for that construction, including without limitation  
26 any intrinsic or extrinsic evidence on which Sony relies.  
27  
28



1 **RESPONSE TO INTERROGATORY NO. 2:**

2 Sony incorporates each of its general objections by reference. Sony objects to  
3 this request as overbroad and unduly burdensome to the extent it seeks “all bases for  
4 that construction.” Sony further objects to this request as calling for legal  
5 conclusions. Sony further objects to this request to the extent it calls for information  
6 protected from discovery by the attorney-client privilege and/or the work product  
7 doctrine. Sony further objects to this request as being premature.

8 Without waiving the foregoing general and specific objections and subject to  
9 those objections, Sony responds as follows:

10 Based on the information currently available to it, Sony does not believe that  
11 any of the claim terms in the patents-in-suit require construction by the Court.  
12 Notwithstanding its current position, Sony reserves all rights to request construction  
13 of claim terms to the extent the Court or Sony determines it is necessary and to offer  
14 constructions of terms that Vizio asks the Court to construe.

15  
16 **INTERROGATORY NO. 3:**

17 Separately for each Asserted Sony Claim, identify the date of invention that  
18 Sony contends applies to that claimed invention and the complete facts, documents,  
19 and persons with knowledge on which Sony relies to support that contention.

20 **RESPONSE TO INTERROGATORY NO. 3:**

21 Sony incorporates each of its general objections by reference. Sony objects to  
22 this request as overbroad and unduly burdensome to the extent it seeks “the  
23 complete facts, documents, and persons with knowledge.” Sony further objects to  
24 this request as premature to the extent it calls for Sony to have determined all of the  
25 claims it is asserting against Vizio at this early stage in discovery. Sony further  
26 objects to this request to the extent it calls for information protected from discovery  
27 by the attorney-client privilege and/or the work product doctrine. Materials and  
28 information referring or relating to conception, reduction to practice, or diligence

1 include that which would otherwise be responsive to this request but was created by  
2 or at the direction of Sony's outside or in-house counsel and professional legal  
3 advisers. Such privileged materials and information include communications  
4 containing legal advice by and between Sony's engineers and Sony's in-house legal  
5 advisers responsible for patent prosecution, licensing, and litigation. Such materials  
6 and information that would otherwise be responsive to this request also include  
7 materials and information prepared or exchanged in anticipation of litigation,  
8 including the case at hand and related litigations.

9 Without waiving the foregoing general and specific objections and subject to  
10 those objections, Sony responds as follows:

11 **The '626 Patent:** Toshihide Hayashi and Koki Tsumori conceived of the  
12 inventions claimed by the '626 patent while trying to develop a new television on-  
13 screen menu display that was easier to use and less confusing to users. This  
14 conception occurred at least as early as the fall of 1990. At this time, on-screen  
15 menu navigation was new to televisions and often confused users because the menus  
16 did not clearly identify which menu items were available. Toshihide Hayashi and  
17 Koki Tsumori reduced to practice the novel, improved menu disclosed in and  
18 claimed by the '626 patent on or before November of 1990. The persons involved  
19 in the conception, reduction to practice, and diligence were Messrs. Hayashi and  
20 Tsumori. They are also the individuals most knowledgeable about the conception,  
21 reduction to practice, and diligence.

22 **The '577, '542, and '847 Patents:** Ikuo Tsukagoshi is a pioneer in the field  
23 of subtitle and closed captioning display. In the early to mid 1990s, Mr. Tsukagoshi  
24 worked on Sony's Project 203. The aim of Project 203 was to develop hardware  
25 and software for the improved display of subtitles and/or captions overlayed on an  
26 image. This is a technically difficult application. Subtitles and captions can be  
27 difficult or impossible for a user to read if they are not displayed properly and can  
28 be distracting or annoying if they are not synched to the underlying video image.

1 Through the Project 203 development, Mr. Tsukagoshi advanced this entire field.  
2 He developed encoders and decoders that provided improved and easier to read  
3 caption and subtitle displays. These advances include the invention claimed in the  
4 '577 patent, which he conceived at least as early as May of 1993 and reduced to  
5 practice around October of 1993, and the invention claimed in the '542 patent,  
6 which he conceived at least as early as October 25, 1993 and reduced to practice on  
7 or before December 21, 1993. These advances further include the invention claimed  
8 in the '847 patent, which he conceived at least as early as January 18, 1995 and  
9 reduced to practice on or before March 20, 1995. The person involved in the  
10 conception, reduction to practice, and diligence of the invention claimed in the '577,  
11 '542, and '847 patents was Mr. Tsukagoshi. He is also the individual most  
12 knowledgeable about the conception, reduction to practice, and diligence.

13 **The '373 Patent:** Tomoko Ohyama, Yukiko Ohkura, Masaharu Fukumoto,  
14 Shigeyuki Sano, Yasuko Rokukawa, Shiro Endo, Kyosuke Oda, Yumiko Minakawa,  
15 and Chifumi Matsuura conceived of the inventions claimed in the '373 patent at  
16 least as early as January of 1994 while working on a project to develop one of  
17 Sony's first digital televisions. The project was known internally as Project XBR2.  
18 As part of this project, the inventors were developing a novel on-screen menu  
19 display that offered a superior experience to the user. The inventions claimed in the  
20 '373 patent advanced the field by displaying hierarchical menus regarding the  
21 control of television functions, thereby making it easier to navigate the menu levels.  
22 The inventors reduced to practice this novel, improved hierarchical menu system on  
23 or around February of 1994. The people involved in the conception, reduction to  
24 practice, and diligence were Messrs. Ohyama, Ohkura, Yumiko, and Matsuura and  
25 Messrs. Fukumoto, Sano, Rokukawa, Endo, Oda, and Minakawa. They are also the  
26 individuals most knowledgeable about the conception, reduction to practice, and  
27 diligence.

28

1       **The '614 Patent:** In the mid 1990s, Sony was developing set-top boxes for  
2 the DirectTV service. One feature that needed to be improved upon was the  
3 graphical user interface (GUI) for the set-top box. Most GUIs at the time presented  
4 a programming guide that was organized into a grid structure. While working on  
5 this aspect of the set-top box, Kazuto Mugura, Yuko Nishikawa, Joseph Saib, and  
6 Ludovic Legrand conceived of the inventions in the '614 patent, which improved  
7 the user interface by incorporating on screen display components of varying levels  
8 of transparency, at least as early as July of 1996. The inventors reduced to practice  
9 the inventions claimed in the '614 patent and reduced to practice on or before  
10 October 17, 1997. The people involved in the conception, reduction to practice, and  
11 diligence were Ms. Nishikawa and Messrs. Mugura, Saib, and Legrand. They are  
12 also the individuals most knowledgeable about the conception, reduction to practice,  
13 and diligence.

14       **The '055 and '468 Patents:** In 1994, the inventors were working together at  
15 Sony on Project HMS. The goal of Project HMS team was to develop a digital  
16 VCR. One aspect of this project in which the inventors of the '055 patent were  
17 involved was the development of the methods for linking a set-top box to the digital  
18 VCR and transferring data between the two devices. The inventors conceived of the  
19 inventions claimed in the '055 patent at least as early as April 21, 1994. The  
20 inventors reduced to practice the inventions claimed in the '055 patent on or before  
21 May 24, 1994. The persons involved in the conception, reduction to practice, and  
22 diligence were Messrs. Tsukamoto, Goto, and Fukushima. They are the also  
23 individuals most knowledgeable about the conception, reduction to practice, and  
24 diligence.

25       **The '472 Patent:** In the late 1990s, Peter Rae Shintani and Shigeharu Kondo  
26 were engaged in work at Sony relating to the introduction of digital television  
27 products and technology. One complication presented by digital television which  
28 Messrs. Shintani and Kondo addressed during their work at the time is the difficulty

1 in selecting digital channels, which can be identified by a combination of a major  
2 channel number and a minor channel number. A method was needed to distinguish  
3 between the major channel and the minor channel in order to facilitate the proper  
4 selection of the digital channel. While addressing this need, Messrs. Shintani and  
5 Kondo conceived of the inventions claimed in the '472 patent at least as early as  
6 September of 1998 and reduced to practice the inventions on or around January of  
7 1999. The persons involved in the conception, reduction to practice, and diligence  
8 were Messrs. Shintani and Kondo. They are also the individuals most  
9 knowledgeable about in the conception, reduction to practice, and diligence.

10 **The '182 Patent:** In the late 1990s, Mr. Yamakawa was developing plasma  
11 display technology at Sony. At that time, images displayed on plasma screens  
12 suffered from increased darkness levels. The inability to display bright imagery was  
13 a major problem for plasma monitors used for public advertising. Mr. Yamakawa  
14 sought to develop a unique method of increasing the brightness of the displayed  
15 image. He conceived of the inventions claimed in the '182 patent at least as early as  
16 August of 1997 and reduced to practice those inventions on or around August of  
17 1997. The only person involved in the conception, reduction to practice, and  
18 diligence was Mr. Yamakawa. He is also the individual most knowledgeable about  
19 the conception, reduction to practice, and diligence.

20 In addition to the foregoing, pursuant to Federal Rule Civil Procedure 33(d),  
21 Vizio may derive or ascertain information responsive to this interrogatory from at  
22 least the following documents produced in this matter: SONY0005933-6355,  
23 SONY0006356-6839, SONY0006840-7161, SONY0007162-7398, SONY0007399-  
24 7640, SONY0007641-7926, SONY0007927-8191, SONY0008192-8374,  
25 SONY0008375-8604, SONY0008605-8786, and SONY0008787-9088.

26 Sony is continuing to investigate the subject matter of this interrogatory and  
27 reserves the right to supplement its response to the extent it locates additional non-  
28 privileged, relevant documents or information responsive to this interrogatory.

1 **INTERROGATORY NO. 4:**

2 Separately for each Sony Patent, describe in detail each named inventor's  
3 contribution to and involvement with the invention claimed therein, and identify all  
4 documents that refer or relate thereto.

5 **RESPONSE TO INTERROGATORY NO. 4:**

6 Sony incorporates each of its general objections by reference. Sony objects to  
7 this request as overbroad and unduly burdensome to the extent it seeks identification  
8 of "all documents that refer or relate thereto." Sony objects to this request as vague  
9 and ambiguous to the extent it uses the phrase "contribution to and involvement  
10 with" without defining it. Sony further objects to this request to the extent it calls  
11 for a legal conclusion or for information otherwise protected from discovery by the  
12 attorney-client privilege and/or the work product doctrine, including  
13 communications reflecting legal advice by and between Sony's engineers and  
14 Sony's in-house legal advisers responsible for patent prosecution, licensing, and  
15 litigation. Sony further objects to this interrogatory to the extent it seeks  
16 information that is more appropriately the subject of a different form of discovery,  
17 such as a deposition.

18 Without waiving the foregoing general and specific objections and subject to  
19 those objections, Sony responds as follows:

20 Sony refers Vizio to Sony's response to Interrogatory No. 3, above, and  
21 incorporates it by reference herein. Sony further states:

22 **The '626 Patent:** Named inventors Toshihide Hayashi and Koki Tsumori  
23 worked together and contributed to at least one of the inventions claimed in the '626  
24 patent.

25 **The '577, '542, and '847 Patents:** Named inventor Ikuo Tsukagoshi is the  
26 sole named inventor of the '577, '542, and '847 patents.

27 **The '373 Patent:** Named inventors Tomoko Ohyama, Yukiko Ohkura,  
28 Masaharu Fukumoto, Shigeyuki Sano, Yasuko Rokukawa, Shiro Endo, Kyosuke

Oda, Yumiko Minakawa, and Chifumi Matsuura worked together with each contributing to at least one of the inventions claimed in the '373 patent.

**The '614 Patent:** Named inventors Kazuto Mugura, Yuko Nishikawa, Joseph Saib, and Ludovic Legrand worked together with each contributing to at least one of the inventions claimed in the '614 patent.

**The '055 and '468 Patents:** Named inventors Junichi Tsukamoto, Koichi Goto, and Shinichi Fukushima worked together with each contributing to at least one of the inventions claimed in the '055 and '468 patents.

**The '472 Patent:** Named inventors Peter Rae Shintani and Shigeharu Kondo worked together with each contributing to at least one of the inventions claimed in the '472 patent.

**The '182 Patent:** Named inventor Yoshifumi Yamakawa is the sole named inventor of the '182 patent.

Sony is continuing to investigate the subject matter of this interrogatory and reserves the right to supplement its response to the extent it locates additional non-privileged, relevant documents or information responsive to this interrogatory.

**INTERROGATORY NO. 5:**

Separately for each Sony Patent, identify each person other than a named inventor who contributed to or was involved in any way with the conception or actual reduction to practice of the claimed invention, each such person's contribution to or involvement in those events, and all documents that refer or relate thereto.

**RESPONSE TO INTERROGATORY NO. 5:**

Sony incorporates each of its general objections by reference. Sony objects to this request as overbroad and unduly burdensome to the extent it seeks "all documents" and information pertaining to persons "involved in any way." Sony objects to this request as vague and ambiguous to the extent it uses the terms

1 “contributed to or was involved in any way” and “contribution to and involvement  
2 with” without defining them. Sony further objects to this request to the extent it  
3 calls for a legal conclusion or seeks information protected from discovery by the  
4 attorney-client privilege and/or the work product doctrine. Sony further objects to  
5 this request as seeking information that is not relevant to the subject matter of this  
6 action nor reasonably calculated to lead to the discovery of admissible evidence.

7 Without waiving the foregoing general and specific objections and subject to  
8 those objections, Sony responds as follows:

9 To the extent the phrases “contributed to or was involved in any way” and  
10 “contributed to or was involved in any way with” are intended to refer to persons  
11 who would have been eligible to be named as inventors on the patents in suit, Sony  
12 is not aware of anyone other than the named inventors who contributed to or were  
13 involved with the inventions described in the patents in suit in that manner.

14 Sony is continuing to investigate the subject matter of this interrogatory and  
15 reserves the right to supplement its response to the extent it locates additional non-  
16 privileged, relevant documents or information responsive to this interrogatory.

17  
18 **INTERROGATORY NO. 6:**

19 Separately for each Sony Patent, Related Patent, and Related Application,  
20 identify all prior art of which Sony is aware concerning the claimed invention of  
21 such patent or application, including without limitation all relevant public uses,  
22 offers for sale, or sales in the United States occurring prior to the earliest effective  
23 filing date of each such patent, all relevant patents and publications dated prior to  
24 the earliest effective filing date of each such patent, and all relevant documents  
25 concerning such identified prior art.

26 **RESPONSE TO INTERROGATORY NO. 6:**

27 Sony incorporates each of its general objections by reference. Sony objects to  
28 this request as vague and ambiguous to the extent it uses the terms “prior art” and



1 "relevant" without providing corresponding definitions and on the grounds that  
2 these terms require a subjective analysis. Sony's response to this interrogatory is  
3 accordingly based on its understanding of the meaning of those terms. Sony further  
4 objects to this request to the extent it calls for information protected from discovery  
5 by the attorney-client privilege and/or the work product doctrine. Requesting that  
6 Sony identify prior art references known to Sony to be relevant to the patents-in-  
7 suit, to the extent any such prior art exists, calls for the mental impressions,  
8 conclusions, opinions, or legal theories of Sony's counsel and legal  
9 advisors, which are entitled to protection from discovery under the Federal Rules.

10 Without waiving the foregoing general and specific objections, without  
11 conceding that any prior art anticipates or renders obvious any element of any  
12 patent-in-suit, and subject to those objections, Sony responds as follows:

13 Without waiving its objections to relevancy and to Vizio's use of the term  
14 "prior art," pursuant to Federal Rule Civil Procedure 33(d), Vizio may derive or  
15 ascertain information that may be responsive to this interrogatory from the  
16 following documents: documents cited during the prosecution of the patents-in-suit  
17 and documents identified by Westinghouse during *Sony Corporation v.*  
18 *Westinghouse Digital Electronics, LLC*, Case No. CV-08-3934 with production  
19 numbers: SONY0005933-6355, SONY0006356-6839, SONY0006840-7161,  
20 SONY0007162-7398, SONY0007399-7640, SONY0007641-7926, SONY0007927-  
21 8191, SONY0008192-8374, SONY0008375-8604, SONY0008605-8786,  
22 SONY0009220-9868, inclusive, and SONY0010192-22968, inclusive. Sony makes  
23 no admission that any of these documents are prior art to any of the patents-in-suit.

24 Sony is continuing to investigate the subject matter of this interrogatory and  
25 reserves the right to supplement its response to the extent it locates additional non-  
26 privileged, relevant documents or information responsive to this interrogatory.

27  
28

1 **INTERROGATORY NO. 7:**

2 Separately for each prior art search directed to any subject matter claimed at  
3 any time in any of the Sony Patents and Related Patents, describe the details of such  
4 search, including without limitation the persons involved in conducting the search,  
5 when the search was conducted, the particular subject matter to which the search  
6 was directed, all prior art located as a result of such search, the persons to whom the  
7 search results were communicated, and all documents that refer or relate thereto.

8 **RESPONSE TO INTERROGATORY NO. 7:**

9 Sony incorporates each of its general objections by reference. Sony objects to  
10 this request as vague and ambiguous to the extent it uses the terms "prior art" and  
11 "any subject matter" without providing corresponding definitions and on the  
12 grounds that these terms require a subjective analysis. Sony's response to this  
13 interrogatory is accordingly based on its understanding of the meaning of those  
14 terms. Sony further objects to this request to the extent it calls for information  
15 protected from discovery by the attorney-client privilege and/or the work product  
16 doctrine. Requesting that Sony identify prior art references known to Sony to be  
17 relevant to the patents-in-suit, to the extent any such prior art exists, calls for the  
18 mental impressions, conclusions, opinions, or legal theories of Sony's counsel and  
19 legal advisors, which are entitled to protection from discovery under the Federal  
20 Rules. Similarly, all prior art searches not otherwise described below were carried  
21 out either by or at the direction of counsel in anticipation of litigation and the details  
22 of such searches are protected by the attorney-client privilege and/or the work  
23 product doctrine.

24 Without waiving the foregoing general and specific objections, without  
25 conceding that any prior art anticipates or renders obvious any element of any  
26 patent-in-suit, and subject to those objections, Sony responds as follows:

27 **The '626 Patent:** On March 12, 1993, a prior art search was carried out at  
28 the direction of Michael Nicholls. The results of the search were submitted to the

1 European Patent Office. On July 2, 1993, the '626 applicants submitted a List of  
2 Prior Art Cited by Applicant to the U.S.P.T.O. which detailed prior art potentially  
3 related to the application for the '626 patent that had been located by applicants  
4 during the pendency of the '626 application. The search was conducted at the  
5 direction of Jay Maioli. Pursuant to Fed. R. Civ. P. 33(d), Sony refers Vizio to  
6 additional information regarding these prior art searches contained in documents  
7 with the following production number ranges: SONY0005933-6355.

8 **The '577 Patent:** On September 2, 1994, a prior art search was carried out at  
9 the direction of Shigemoto Tanabe. The results of the search were submitted to the  
10 Japanese Patent Office. Pursuant to Fed. R. Civ. P. 33(d), Sony refers Vizio to  
11 additional information regarding this prior art search contained in documents with  
12 the following production number ranges: SONY0006356-6839.

13 **The '542 Patent:** On March 4, 1997, applicants of the '542 Patent filed an  
14 Information Disclosure Statement at the direction of Charles Sammut, listing certain  
15 results of a prior art search. Pursuant to Fed. R. Civ. P. 33(d), Sony refers Vizio to  
16 additional information regarding this prior art search contained in documents with  
17 the following production number ranges: SONY0006840-7161.

18 **The '847 Patent:** Pursuant to Fed. R. Civ. P. 33(d), Sony refers Vizio to  
19 documents with the following production number ranges: SONY0007162-7398.

20 **The '373 Patent:** Pursuant to Fed. R. Civ. P. 33(d), Sony refers Vizio to  
21 documents with the following production number ranges: SONY0007927-8191.

22 **The '614 Patent:** On October 17, 1997, applicants of the '614 Patent filed  
23 an Information Disclosure Statement at the direction of Maria Sobrino, listing  
24 certain results of a prior art search. On October 17, 1997, applicants of the '614  
25 Patent filed an Information Disclosure Statement at the direction of Sang Hui Kim,  
26 listing certain results of a prior art search. On February 12, 1998, applicants of the  
27 '614 Patent filed an Information Disclosure Statement at the direction of Richard  
28 Gregory, listing certain results of a prior art search. On September 25, 1998,

1 applicants of the '614 Patent filed an Information Disclosure Statement at the  
2 direction of Maria Sobrino, listing certain results of a prior art search. On December  
3 8, 1998, applicants of the '614 Patent filed an Information Disclosure Statement at  
4 the direction of Richard Gregory, listing certain results of a prior art search.  
5 Pursuant to Fed. R. Civ. P. 33(d), Sony refers Vizio to additional information  
6 regarding these prior art searches contained in documents with the following  
7 production number ranges: SONY0007399-7640.

8 **The '055 Patent:** On October 18, 2000, applicants of the '055 Patent filed  
9 an Information Disclosure Statement at the direction of Gordon Kessler, listing  
10 certain results of a prior art search. On January 18, 2002, applicants of the '055  
11 Patent filed an Information Disclosure Statement at the direction of Gordon Kessler,  
12 listing certain results of a prior art search. Pursuant to Fed. R. Civ. P. 33(d), Sony  
13 refers Vizio to additional information regarding these prior art searches contained in  
14 documents with the following production number ranges: SONY0007641-7926.

15 **The '468 Patent:** On October 18, 2000, applicants of the '055 Patent filed  
16 an Information Disclosure Statement at the direction of Gordon Kessler, listing  
17 certain results of a prior art search. On January 18, 2002, applicants of the '055  
18 Patent filed an Information Disclosure Statement at the direction of Gordon Kessler,  
19 listing certain results of a prior art search. On November 28, 2005, applicants of the  
20 '468 Patent filed an Information Disclosure Statement at the direction of William  
21 Frommer, listing certain results of a prior art search. On May 23, 2007, applicants  
22 of the '468 Patent filed an Information Disclosure Statement at the direction of  
23 William Frommer, listing certain results of a prior art search. Pursuant to Fed. R.  
24 Civ. P. 33(d), Sony refers Vizio to additional information regarding these prior art  
25 searches contained in documents with the following production number ranges:  
26 SONY0007641-7926 and SONY0008605-8786.

27 **The '472 Patent:** On February 18, 2000, applicants of the '472 Patent filed  
28 an Information Disclosure Statement at the direction of Hans Mahr, listing certain

1 results of a prior art search. Pursuant to Fed. R. Civ. P. 33(d), Sony refers Vizio to  
2 additional information regarding these prior art searches contained in documents  
3 with the following production number ranges: SONY0008192-8374.

4 **The '182 Patent:** Pursuant to Fed. R. Civ. P. 33(d), Sony refers Vizio to  
5 documents with the following production number ranges: SONY0008375-8604.

6 Sony is continuing to investigate the subject matter of this interrogatory and  
7 reserves the right to supplement its response to the extent it locates additional non-  
8 privileged, relevant documents or information responsive to this interrogatory.

9  
10 **INTERROGATORY NO. 8:**

11 Separately for each Asserted Sony Claim, identify all facts concerning, the  
12 persons most knowledgeable about, and all documents concerning, any objective  
13 indicia that Sony contends supports nonobviousness of the claimed invention,  
14 including without limitation any commercial success of the claimed invention, any  
15 long felt but unmet need for the claimed invention, any failure of others to develop  
16 the claimed invention, or any unexpected results of the claimed invention.

17 **RESPONSE TO INTERROGATORY NO. 8:**

18 Sony incorporates each of its general objections by reference. Sony objects to  
19 this request as overbroad and unduly burdensome to the extent it seeks "all facts"  
20 and "all documents." Sony further objects to this request to the extent it calls for  
21 information protected from discovery by the attorney-client privilege and/or the  
22 work product doctrine. Materials and information referring or relating to objective  
23 indicia of nonobviousness include those which would otherwise be responsive to  
24 this request but were created by or at the direction of Sony's outside or in-house  
25 counsel and professional legal advisers. Such privileged materials and information  
26 include communications containing legal advice by and between Sony's engineers  
27 and Sony's in-house legal advisers responsible for patent prosecution, licensing, and  
28 litigation. Such materials and information that would otherwise be responsive to

1 this request also include materials and information prepared or exchanged in  
2 anticipation of litigation, including the case at hand and related litigations. Sony  
3 further objects to this request as calling for legal conclusions. Sony further objects  
4 to this request to the extent it seeks the confidential information of third parties and  
5 information not in the possession, custody, or control of Sony.

6 Without waiving the foregoing general and specific objections and subject to  
7 those objections, Sony responds as follows:

8 **The '626 Patent:** The claims of the '626 patent exhibit some, if not all, of the  
9 secondary considerations and objective indicia of non-obviousness enunciated in  
10 *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1 (1966) and its progeny. For  
11 example, the inventions claimed in the '626 patent addressed the long-felt but unmet  
12 need for easy-to-use on-screen displays for color televisions and reflect the failure of  
13 others to develop suitable on-screen displays. The sales of Sony televisions and the  
14 products of Sony licensees that embody the patented inventions claimed in the '626  
15 patent demonstrate commercial success. Sony's numerous licenses with other  
16 television manufacturers that cover the '626 patent are evidence of commercial  
17 acquiescence to the validity of the patent.

18 **The '577 Patent:** The claims of the '577 patent exhibit some, if not all, of the  
19 secondary considerations and objective indicia of non-obviousness enunciated in  
20 *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1 (1966) and its progeny. For  
21 example, the inventions claimed in the '577 patent addressed the long-felt but unmet  
22 need for the efficient display of high-quality subtitles without picture degradation on  
23 color televisions and reflect the failure of others to develop these techniques. The  
24 sales of Sony televisions and the products of Sony licensees that embody the  
25 patented inventions claimed in the '577 patent demonstrate commercial success.  
26 Sony's numerous licenses with other television manufacturers that cover the '577  
27 patent are evidence of commercial acquiescence to the validity of the patent.

1       **The '542 Patent:** The claims of the '542 patent exhibit some, if not all, of the  
2 secondary considerations and objective indicia of non-obviousness enunciated in  
3 *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1 (1966) and its progeny. For  
4 example, the inventions claimed in the '542 patent addressed the long-felt but unmet  
5 need for efficient processing of subtitle data and other data for display on color  
6 televisions and reflect the failure of others to develop such techniques. The sales of  
7 Sony televisions and the products of Sony licensees that embody the patented  
8 inventions claimed in the '542 patent demonstrate commercial success. Sony's  
9 numerous licenses with other television manufacturers that cover the '542 patent are  
10 evidence of commercial acquiescence to the validity of the patent.

11       **The '847 Patent:** The claims of the '847 patent exhibit some, if not all, of the  
12 secondary considerations and objective indicia of non-obviousness enunciated in  
13 *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1 (1966) and its progeny. For  
14 example, the inventions claimed in the '847 patent addressed the long-felt but unmet  
15 need for properly and efficiently processing and decoding subtitle data in real time  
16 and reflect the failure of others to develop such techniques. The sales of Sony  
17 televisions and the products of Sony licensees that embody the patented inventions  
18 claimed in the '847 patent, demonstrate commercial success. Sony's numerous  
19 licenses with other television manufacturers that cover the '847 patent are evidence  
20 of commercial acquiescence to the validity of the patent.

21       **The '373 Patent:** The claims of the '373 patent exhibit some, if not all, of the  
22 secondary considerations and objective indicia of non-obviousness enunciated in  
23 *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1 (1966) and its progeny. For  
24 example, the inventions claimed in the '373 patent addressed the long-felt but unmet  
25 need for easy-to-use function control menus displayed by color televisions and  
26 reflect the failure of others to develop suitable function control menus. The sales of  
27 Sony televisions and the products of Sony licensees that embody the patented  
28 inventions claimed in the '373 patent demonstrate commercial success. Sony's

1 numerous licenses with other television manufacturers that cover the '373 patent are  
2 evidence of commercial acquiescence to the validity of the patent.

3       **The '614 Patent:** The claims of the '614 patent exhibit some, if not all, of the  
4 secondary considerations and objective indicia of non-obviousness enunciated in  
5 *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1 (1966) and its progeny. For  
6 example, the inventions claimed in the '614 patent addressed the long-felt but unmet  
7 need for easy-to-use on-screen menu displays on color televisions and reflect the  
8 failure of others to develop such on-screen menu displays. The sales of Sony  
9 televisions and the products of Sony licensees that embody the patented inventions  
10 claimed in the '614 patent demonstrate commercial success. Sony's numerous  
11 licenses with other television manufacturers that cover the '614 patent are evidence  
12 of commercial acquiescence to the validity of the patent.

13       **The '055 Patent:** The claims of the '055 patent exhibit some, if not all, of the  
14 secondary considerations and objective indicia of non-obviousness enunciated in  
15 *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1 (1966) and its progeny. For  
16 example, the inventions claimed in the '055 patent addressed the long-felt but unmet  
17 need for secure transmission of video data to color televisions and reflect the failure  
18 of others to develop suitable techniques for the secure transmission of such data.  
19 The sales of Sony televisions and the products of Sony licensees that embody the  
20 patented inventions claimed in the '055 patent demonstrate commercial success.  
21 Sony's numerous licenses with other television manufacturers that cover the '055  
22 patent are evidence of commercial acquiescence to the validity of the patent.

23       **The '468 Patent:** The claims of the '468 patent exhibit some, if not all, of the  
24 secondary considerations and objective indicia of non-obviousness enunciated in  
25 *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1 (1966) and its progeny. For  
26 example, the inventions claimed in the '468 patent addressed the long-felt but unmet  
27 need for secure transmission of video data to color televisions and reflect the failure  
28 of others to develop such techniques for secure transmission. The sales of Sony



1 televisions and the products of Sony licensees that embody the patented inventions  
2 claimed in the '468 patent demonstrate commercial success. Sony's numerous  
3 licenses with other television manufacturers that cover the '468 patent are evidence  
4 of commercial acquiescence to the validity of the patent.

5 **The '472 Patent:** The claims of the '472 patent exhibit some, if not all, of the  
6 secondary considerations and objective indicia of non-obviousness enunciated in  
7 *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1 (1966) and its progeny. For  
8 example, the inventions claimed in the '472 patent addressed the long-felt but unmet  
9 need for an easy-to-use way of displaying and selecting a major and minor channel  
10 from a digital television broadcast signal and reflect the failure of others to develop  
11 such techniques. The sales of Sony televisions and the products of Sony licensees  
12 that embody the patented inventions claimed in the '472 patent demonstrate  
13 commercial success. Sony's numerous licenses with other television manufacturers  
14 that cover the '472 patent are evidence of commercial acquiescence to the validity  
15 of the patent.

16 **The '182 Patent:** The claims of the '182 patent exhibit some, if not all, of the  
17 secondary considerations and objective indicia of non-obviousness enunciated in  
18 *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1 (1966) and its progeny. For  
19 example, the inventions claimed in the '182 patent addressed the long-felt but unmet  
20 need for dynamic gamma correction of a color television video signal and reflect the  
21 failure of others to develop suitable techniques for dynamic gamma correction. The  
22 sales of Sony televisions and the products of Sony licensees that embody the  
23 patented inventions claimed in the '182 patent demonstrate commercial success.  
24 Sony's numerous licenses with other television manufacturers that cover the '182  
25 patent are evidence of commercial acquiescence to the validity of the patent.

26 Sony notes that this list is non-exhaustive and there may be objective indicia  
27 or secondary considerations of non-obviousness that are not included in the  
28 response. If Sony becomes aware of any such omissions through discovery or

1 otherwise, it will supplement its response to include any nonprivileged, responsive  
2 information. Pursuant to Federal Rule Civil Procedure 33(d), Vizio may also derive  
3 or ascertain information responsive to this interrogatory from at least the following  
4 documents produced in this matter: SONY0009089-9219.

5 Sony is continuing to investigate the subject matter of this interrogatory and  
6 reserves the right to supplement its response to the extent it locates additional non-  
7 privileged, relevant documents or information responsive to this interrogatory.

8  
9 **INTERROGATORY NO. 9:**

10 Separately for each Sony Patent, state the best mode of carrying out the  
11 claimed invention as known to the inventor(s) at the earliest effective United States  
12 filing date of each such patent, and identify the persons most knowledgeable and all  
13 documents and things that refer or relate thereto.

14 **RESPONSE TO INTERROGATORY NO. 9:**

15 Sony incorporates each of its general objections by reference. Sony objects to  
16 this request as overbroad and unduly burdensome to the extent it seeks "all  
17 documents." Sony further objects to this request to the extent it calls for  
18 information protected from discovery by the attorney-client privilege and/or the  
19 work product doctrine. Sony further objects to this request as calling for legal  
20 conclusions.

21 Without waiving the foregoing general and specific objections and subject to  
22 those objections, Sony responds as follows:

23 35 U.S.C. § 112 states in part: "The specification shall contain a written  
24 description of the invention, and of the manner and process of making and using it,  
25 in such full, clear, concise, and exact terms as to enable any person skilled in the art  
26 to which it pertains, or with which it is most nearly connected, to make and use the  
27 same, and shall set forth the best mode contemplated by the inventor of carrying out  
28 his invention."

1 The specifications of each of the patents-in-suit set forth the best mode  
2 contemplated by the inventors for carrying out the claimed inventions. The named  
3 inventors of the patents-in-suit are most knowledgeable concerning this topic  
4 regarding their respective patents. Pursuant to Federal Rule Civil Procedure 33(d),  
5 Vizio may derive or ascertain information responsive to this interrogatory from at  
6 least the following documents produced in this matter: SONY0008787-8825,  
7 SONY0008826-8850, SONY0008851-8888, SONY0008889-8927, SONY0008928-  
8 8952, SONY0008953-8984, SONY0008985-8997, SONY0008998-9037,  
9 SONY0009038-9061, and SONY0009062-9088.

10 Sony is continuing to investigate the subject matter of this interrogatory and  
11 reserves the right to supplement its response to the extent it locates additional non-  
12 privileged, relevant documents or information responsive to this interrogatory.

13  
14 **INTERROGATORY NO. 10:**

15 Identify all Patented Sony Products by name and model number, and for each  
16 identified product list all Sony Patents that cover such product.

17 **RESPONSE TO INTERROGATORY NO. 10:**

18 Sony incorporates each of its general objections by reference. Sony objects to  
19 this request as overbroad and unduly burdensome to the extent it seeks “all []  
20 Products.” Sony further objects to this request to the extent it calls for information  
21 protected from discovery by the attorney-client privilege and/or the work product  
22 doctrine.

23 Without waiving the foregoing general and specific objections and subject to  
24 those objections, Sony responds as follows:

25 Based on a reasonable investigation, which is ongoing, and on information  
26 and belief, Sony has identified Sony products (listed by model number) that embody  
27 the subject matter of each of the patents-in-suit. These products are identified in the  
28 charts below.

**The '626 Patent:**

Products
KD27FS130
KD32FS130
KD36FS130
KD27FS170, KD32FS170, KD36FS170
KD30XS955
KD32XS945
KD34XS955, KD36XS955
KDE37XS955
KDE42XS955
KDE50XS955
KDF42E2000
KDF46E2000
KDF50E2000
KDF55E2000
KDF42WE655, KDF50WE655, KDF55WF655, KDF60WF655
KDF46E3000, KDF50E3000
KDF55XS955, KDF60XS955
KDF60XBR950, KDF70XBR950
KDFE42A10, KDFE50A10
KDL23S2000
KDL26S2000, KDL32S2000, KDL40S2000
KDL46S2000
KDL23S2010, KDL26S2010, KDL32S2010
KDL40S2010, KDL46S2010
KDL26S3000
KDL32S3000, KDL40S3000, KDL46S3000
KDL32SL130, KDL40SL130
KDL32S2400, KDL40S2400
KDL32XBR6
KDL37XBR6
KDL40V4150
KDL40V4100
KDL42V4100, KDL46V4100, KDL52V4100
KDL40W4100
KDL46W4100
KDL52W4100
KDL46W4150
KDL40S4100, KDL46S4100
KDL40Z4100, KDL46Z4100
KDL40V2500, KDL46V2500
KDL40V3000, KDL46V3000
KDL40VL130, KDL46VL130
KDL40W3000, KDL46W3000
KDL52W3000

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KDL40WL135
KDL46WL135
KDL52WL135
KDL40XBR2, KDL46XBR2
KDL40XBR3, KDL46XBR3
KDL52XBR2, KDL52XBR3
KDL40XBR4, KDL46XBR4, KDL52XBR4
KDL40XBR5
KDL46XBR5
KDL52XBR5
KDLV26XBR1, KDLV32XBR1, KDLV40XBR1
KDP51WS550
KDP57WS550, KDP65WS550
KDP51WS655, KDP57WS655
KDP57XBR2, KDP65XBR2
KDS50A2000, KDS55A2000, KDS60A2000
KDS50A2020, KDS55A2020, KDS60A2020
KDS50A3000, KDS55A3000, KDS60A3000
KDSR50XBR1
KDSR60XBR1
KDSR60XBR2, KDSR70XBR2
KDL32L4000, KDL37L4000
KDFE55A20, KDFE60A20
KDL32S20L1, KDL40S20L1
KDS50AL120
KDS55AL120
KDS60AL120
KDL32XBR4
KW34HD1
KDL70XBR3
KD34XBR2
KD34XBR960
KD34XBR970
KDF37H1000
KDL46V25L1
KDL52WL130
KDLV32XBR2
KWP65HD1
KDL19M4000
KDL70XBR3
KDS70Q006
KDX46Q005

**The '577 Patent:**

Products
KD27FS130
KD32FS130
KD36FS130
KD27FS170, KD32FS170, KD36FS170
KD30XS955
KD32XS945
KD34XS955, KD36XS955
KDE37XS955
KDE42SX955
KDE50XS955
KDF42E2000
KDF46E2000
KDF50E2000
KDF55E2000
KDF42WE655, KDF50WE655, KDF55WF655, KDF60WF655
KDF46E3000, KDF50E3000
KDF55XS955, KDF60XS955
KDF60XBR950, KDF70XBR950
KDFE42A10, KDFE50A10
KDL23S2000
KDL26S2000, KDL32S2000, KDL40S2000
KDL46S2000
KDL23S2010, KDL26S2010, KDL32S2010
KDL40S2010, KDL46S2010
KDL26S3000
KDL32S3000, KDL40S3000, KDL46S3000
KDL32SL130, KDL40SL130
KDL32S2400, KDL40S2400
KDL32XBR6
KDL37XBR6
KDL40V4150
KDL40V4100
KDL42V4100, KDL46V4100, KDL52V4100
KDL40W4100
KDL46W4100
KDL52W4100
KDL46W4150
KDL40S4100, KDL46S4100
KDL40Z4100, KDL46Z4100
KDL40V2500, KDL46V2500
KDL40V3000, KDL46V3000
KDL40VL130, KDL46VL130
KDL40W3000, KDL46W3000
KDL52W3000

1	KDL40WL135
	KDL46WL135
2	KDL52WL135
	KDL40XBR2, KDL46XBR2
3	KDL40XBR3, KDL46XBR3
	KDL52XBR2, KDL52XBR3
4	KDL40XBR4, KDL46XBR4, KDL52XBR4
5	KDL40XBR5
	KDL46XBR5
6	KDL52XBR5
	KDLV26XBR1, KDLV32XBR1,
7	KDLV40XBR1
	KDP51WS550
8	KDP57WS550, KDP65WS550
	KDP51WS655, KDP57WS655
9	KDP57XBR2, KDP65XBR2
10	KDS50A2000, KDS55A2000,
	KDS60A2000
11	KDS50A2020, KDS55A2020,
	KDS60A2020
12	KDS50A3000, KDS55A3000,
	KDS60A3000
13	KDSR50XBR1
	KDSR60XBR1
14	KDSR60XBR2, KDSR70XBR2
	KDL32L4000, KDL37L4000
15	KDFE55A20, KDFE60A20
16	KDL26M3000, KDL32M3000
	KDL37M3000
17	KDL26ML130, KDL32ML130
	KDL26M4000
18	KDL32M4000
	KDL37M4000
19	KDL32N4000, KDL37N4000
20	KDL26NL140, KDL32NL140,
	KDL37NL140
21	KDL32S20L1, KDL40S20L1
	KDS50AL120
22	KDS55AL120
	KDS60AL120
23	KDL32XBR4
	KW34HD1
24	KDL70XBR3
	KD34XBR2
25	KD34XBR960
	KD34XBR970
26	KDF37H1000
27	KDL46V25L1
	KDL52WL130
28	KDLV32XBR2

KWP65HD1
KDL19M4000
KDL70XBR3
KDS70Q006
KDX46Q005

**The '542 Patent:**

Products
KD27FS130
KD32FS130
KD36FS130
KD27FS170, KD32FS170, KD36FS170
KD30XS955
KD32XS945
KD34XS955, KD36XS955
KDE37XS955
KDE42SX955
KDE50XS955
KDF42E2000
KDF46E2000
KDE50E2000
KDF55E2000
KDF42WE655, KDF50WE655, KDE55WF655, KDF60WF655
KDF46E3000, KDF50E3000
KDF55XS955, KDF60XS955
KDF60XBR950, KDF70XBR950
KDFE42A10, KDFE50A10
KDL23S2000
KDL26S2000, KDL32S2000, KDL40S2000
KDL46S2000
KDL23S2010, KDL26S2010, KDL32S2010
KDL40S2010, KDL46S2010
KDL26S3000
KDL32S3000, KDL40S3000, KDL46S3000
KDL32SL130, KDL40SL130
KDL32S2400, KDL40S2400
KDL32XBR6
KDL37XBR6
KDL40V4150
KDL40V4100
KDL42V4100, KDL46V4100, KDL52V4100
KDL40W4100
KDL46W4100
KDL52W4100
KDL46W4150



1	KDL40S4100, KDL46S4100
2	KDL40Z4100, KDL46Z4100
3	KDL40V2500, KDL46V2500
4	KDL40V3000, KDL46V3000
5	KDL40VL130, KDL46VL130
6	KDL40W3000, KDL46W3000
7	KDL52W3000
8	KDL40WL135
9	KDL46WL135
10	KDL52WL135
11	KDL40XBR2, KDL46XBR2
12	KDL40XBR3, KDL46XBR3
13	KDL52XBR2, KDL52XBR3
14	KDL40XBR4, KDL46XBR4, KDL52XBR4
15	KDL40XBR5
16	KDL46XBR5
17	KDL52XBR5
18	KDLV26XBR1, KDLV32XBR1,
19	KDLV40XBR1
20	KDP51WS550
21	KDP57WS550, KDP65WS550
22	KDP51WS655, KDP57WS655
23	KDP57XBR2, KDP65XBR2
24	KDS50A2000, KDS55A2000,
25	KDS60A2000
26	KDS50A2020, KDS55A2020,
27	KDS60A2020
28	KDS50A3000, KDS55A3000,
29	KDS60A3000
30	KDSR50XBR1
31	KDSR60XBR1
32	KDSR60XBR2, KDSR70XBR2
33	KDL32L4000, KDL37L4000
34	KDFE55A20, KDFE60A20
35	KDL26M3000, KDL32M3000
36	KDL37M3000
37	KDL26ML130, KDL32ML130
38	KDL26M4000
39	KDL32M4000
40	KDL37M4000
41	KDL32N4000, KDL37N4000
42	KDL26NL140, KDL32NL140,
43	KDL37NL140
44	KDL32S20L1, KDL40S20L1
45	KDS50AL120
46	KDS55AL120
47	KDS60AL120
48	KDL32XBR4
49	KW34HD1
50	KDL70XBR3

1	KD34XBR2
2	KD34XBR960
3	KD34XBR970
4	KDF37H1000
5	KDL46V25L1
6	KDL52WL130
7	KDLV32XBR2
8	KWP65HD1
9	KDL19M4000
10	KDL70XBR3
11	KDS70Q006
12	KDX46Q005

**The '847 Patent:**

<u>Products</u>	
13	KD27FS130
14	KD32FS130
15	KD36FS130
16	KD27FS170, KD32FS170, KD36FS170
17	KD30XS955
18	KD32XS945
19	KD34XS955, KD36XS955
20	KDE37XS955
21	KDE42SX955
22	KDE50XS955
23	KDF42E2000
24	KDF46E2000
25	KDF50E2000
26	KDF55E2000
27	KDF42WE655, KDF50WE655,
28	KDF55WE655, KDF60WE655
29	KDF46E3000, KDF50E3000
30	KDF55XS955, KDF60XS955
31	KDF60XBR950, KDF70XBR950
32	KDFE42A10, KDFE50A10
33	KDL23S2000
34	KDL26S2000, KDL32S2000, KDL40S2000
35	KDL46S2000
36	KDL23S2010, KDL26S2010, KDL32S2010
37	KDL40S2010, KDL46S2010
38	KDL26S3000
39	KDL32S3000, KDL40S3000, KDL46S3000
40	KDL32SL130, KDL40SL130
41	KDL32S2400, KDL40S2400
42	KDL32XBR6
43	KDL37XBR6
44	KDL40V4150

1	KDL40V4100
2	KDL42V4100, KDL46V4100, KDL52V4100
3	KDL40W4100
4	KDL46W4100
5	KDL52W4100
6	KDL46W4150
7	KDL40S4100, KDL46S4100
8	KDL40Z4100, KDL46Z4100
9	KDL40V2500, KDL46V2500
10	KDL40V3000, KDL46V3000
11	KDL40VL130, KDL46VL130
12	KDL40W3000, KDL46W3000
13	KDL52W3000
14	KDL40WL135
15	KDL46WL135
16	KDL52WL135
17	KDL40XBR2, KDL46XBR2
18	KDL40XBR3, KDL46XBR3
19	KDL52XBR2, KDL52XBR3
20	KDL40XBR4, KDL46XBR4, KDL52XBR4
21	KDL40XBR5
22	KDL46XBR5
23	KDL52XBR5
24	KDLV26XBR1, KDLV32XBR1, KDLV40XBR1
25	KDP51WS550
26	KDP57WS550, KDP65WS550
27	KDP51WS655, KDP57WS655
28	KDP57XBR2, KDP65XBR2
29	KDS50A2000, KDS55A2000, KDS60A2000
30	KDS50A2020, KDS55A2020, KDS60A2020
31	KDS50A3000, KDS55A3000, KDS60A3000
32	KDSR50XBR1
33	KDSR60XBR1
34	KDSR60XBR2, KDSR70XBR2
35	KDL32L4000, KDL37L4000
36	KDFE55A20, KDFE60A20
37	KDL26M3000, KDL32M3000
38	KDL37M3000
39	KDL26ML130, KDL32ML130
40	KDL26M4000
41	KDL32M4000
42	KDL37M4000
43	KDL32N4000, KDL37N4000
44	KDL26NL140, KDL32NL140, KDL37NL140

1	KDL32S20L1, KDL40S20L1
2	KDS50AL120
3	KDS55AL120
4	KDS60AL120
5	KDL32XBR4
6	KW34HD1
7	KDL70XBR3
8	KD34XBR2
9	KD34XBR960
10	KD34XBR970
11	KDF37H1000
12	KDL46V25L1
13	KDL52WL130
14	KDLV32XBR2
15	KWP65HD1
16	KDL19M4000
17	KDL70XBR3
18	KDS70Q006
19	KDX46Q005

**The '373 Patent:**

14	<u>Products</u>
15	KD27FS130
16	KD32FS130
17	KD36FS130
18	KD27FS170, KD32FS170, KD36FS170
19	KD30XS955
20	KD32XS945
21	KD34XS955, KD36XS955
22	KDE37XS955
23	KDE42SX955
24	KDE50XS955
25	KDF42E2000
26	KDF46E2000
27	KDF50E2000
28	KDF55E2000
	KDF42WE655, KDF50WE655,
	KDE55WE655, KDF60WE655
	KDF46E3000, KDF50E3000
	KDF55XS955, KDF60XS955
	KDF60XBR950, KDF70XBR950
	KDFE42A10, KDFE50A10
	KDL23S2000
	KDL26S2000, KDL32S2000, KDL40S2000
	KDL46S2000
	KDL23S2010, KDL26S2010, KDL32S2010
	KDL40S2010, KDL46S2010

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KDL26S3000
KDL32S3000, KDL40S3000, KDL46S3000
KDL32SL130, KDL40SL130
KDL32S2400, KDL40S2400
KDL32XBR6
KDL37XBR6
KDL40V4150
KDL40V4100
KDL42V4100, KDL46V4100,
KDL52V4100
KDL40W4100
KDL46W4100
KDL52W4100
KDL46W4150
KDL40S4100, KDL46S4100
KDL40Z4100, KDL46Z4100
KDL40V2500, KDL46V2500
KDL40V3000, KDL46V3000
KDL40VL130, KDL46VL130
KDL40W3000, KDL46W3000
KDL52W3000
KDL40WL135
KDL46WL135
KDL52WL135
KDL40XBR2, KDL46XBR2
KDL40XBR3, KDL46XBR3
KDL52XBR2, KDL52XBR3
KDL40XBR4, KDL46XBR4, KDL52XBR4
KDL40XBR5
KDL46XBR5
KDL52XBR5
KDLV26XBR1, KDLV32XBR1,
KDLV40XBR1
KDP51WS550
KDP57WS550, KDP65WS550
KDP51WS655, KDP57WS655
KDP57XBR2, KDP65XBR2
KDS50A2000, KDS55A2000,
KDS60A2000
KDS50A2020, KDS55A2020,
KDS60A2020
KDS50A3000, KDS55A3000,
KDS60A3000
KDSR50XBR1
KDSR60XBR1
KDSR60XBR2, KDSR70XBR2
KDL32L4000, KDL37L4000
KDFE55A20, KDFE60A20
KDL26M4000, KDL32M4000,
KDL37M4000

1	KDL32N4000, KDL37N4000
2	KDL26NL140
3	KDL32S20L1, KDL40S20L1
4	KDS50AL120
5	KDS55AL120
6	KDS60AL120
7	KDL32XBR4
8	KW34HD1
9	KDL70XBR3
10	KD34XBR2
11	KD34XBR960
12	KD34XBR970
13	KDF37H1000
14	KDL46V25L1
15	KDL52WL130
16	KDLV32XBR2
17	KWP65HD1
18	KDL19M4000
19	KDL70XBR3
20	KDS70Q006
21	KDX46Q005

**The '614 Patent:**

Products
SAT-A55
SAT-B55
SAT-A60
SAT-B60
SAT-A65
SAT-B65
SAT-A65A
SAT-B65A
SAT-HD100
SAT-HD200
SAT-HD300

**The '055 and '468 Patents:**

Products
KD30XS955
KD32XS945
KD34XS955, KD36XS955
KDE37XS955
KDE42SX955
KDE50XS955

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KDF42E2000
KDF46E2000
KDF50E2000
KDF55E2000
KDF42WE655, KDF50WE655, KDF55WF655, KDF60WF655
KDF46E3000, KDF50E3000
KDF55XS955, KDF60XS955
KDF60XBR950, KDF70XBR950
KDFE42A10, KDFE50A10
KDL23S2000
KDL26S2000, KDL32S2000, KDL40S2000
KDL46S2000
KDL23S2010, KDL26S2010, KDL32S2010
KDL40S2010, KDL46S2010
KDL26S3000
KDL32S3000, KDL40S3000, KDL46S3000
KDL32SL130, KDL40SL130
KDL32S2400, KDL40S2400
KDL32XBR6
KDL37XBR6
KDL40V4150
KDL40V4100
KDL42V4100, KDL46V4100, KDL52V4100
KDL40W4100
KDL46W4100
KDL52W4100
KDL46W4150
KDL40S4100, KDL46S4100
KDL40Z4100, KDL46Z4100
KDL40V2500, KDL46V2500
KDL40V3000, KDL46V3000
KDL40VL130, KDL46VL130
KDL40W3000, KDL46W3000
KDL52W3000
KDL40WL135
KDL46WL135
KDL52WL135
KDL40XBR2, KDL46XBR2
KDL40XBR3, KDL46XBR3
KDL52XBR2, KDL52XBR3
KDL40XBR4, KDL46XBR4, KDL52XBR4
KDL40XBR5
KDL46XBR5
KDL52XBR5
KDLV26XBR1, KDLV32XBR1, KDLV40XBR1
KDP51WS550

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KDP57WS550, KDP65WS550
KDP51WS655, KDP57WS655
KDS50A2000, KDS55A2000, KDS60A2000
KDS50A2020, KDS55A2020, KDS60A2020
KDS50A3000, KDS55A3000, KDS60A3000
KDSR50XBR1
KDSR60XBR1
KDSR60XBR2, KDSR70XBR2
KDL32L4000, KDL37L4000
KDFE55A20, KDFE60A20
KDL26M3000, KDL32M3000
KDL37M3000
KDL26ML130, KDL32ML130
KDL26M4000
KDL32M4000
KDL37M4000
KDL32N4000, KDL37N4000
KDL26NL140, KDL32NL140, KDL37NL140
KDL32S20L1, KDL40S20L1
KDS50AL120
KDS55AL120
KDS60AL120
KDL32XBR4
KDL70XBR3
KD34XBR960
KD34XBR970
KDF37H1000
KDL46V25L1
KDL52WL130
KDLV32XBR2
KDL19M4000
KDL70XBR3
KDS70Q006
KDX46Q005

**The '472 Patent:**

Products
KDF60XBR950, KDF70XBR950
KDP51WS550
KDP57WS550, KDP65WS550
KDP57XBR2, KDP65XBR2
KDS50A2000, KDS55A2000, KDS60A2000



KW34HD1
KD34XBR2
KWP65HD1

**The '182 Patent:**

<u>Products</u>
PEM-500A1W
KZ-32TS1, KZ-42TS1
KE-32TS2, KE-42TS2
KDF46E3000, KDF50E3000
KDFE42A10, KDFE50A10
KDL23S2000
KDL26S2000, KDL32S2000, KDL40S2000
KDL46S2000
KDL23S2010, KDL26S2010, KDL32S2010
KDL40S2010, KDL46S2010
KDL26S3000
KDL32S3000, KDL40S3000, KDL46S3000
KDL32SL130, KDL40SL130
KDL32S2400, KDL40S2400
KDL32XBR6
KDL37XBR6
KDL40V4150
KDL40V4100
KDL42V4100, KDL46V4100,
KDL52V4100
KDL40W4100
KDL46W4100
KDL52W4100
KDL46W4150
KDL40S4100, KDL46S4100
KDL40Z4100, KDL46Z4100
KDL40V2500, KDL46V2500
KDL40V3000, KDL46V3000
KDL40VL130, KDL46VL130
KDL40W3000, KDL46W3000
KDL52W3000
KDL40WL135
KDL46WL135
KDL52WL135
KDL40XBR2, KDL46XBR2
KDL40XBR3, KDL46XBR3
KDL52XBR2, KDL52XBR3
KDL40XBR4, KDL46XBR4, KDL52XBR4
KDL40XBR5
KDL46XBR5
KDL52XBR5

1	KDLV26XBR1, KDLV32XBR1,
2	KDLV40XBR1
3	KDS50A2000, KDS55A2000,
4	KDS60A2000
5	KDS50A2020, KDS55A2020,
6	KDS60A2020
7	KDS50A3000, KDS55A3000,
8	KDS60A3000
9	KDSR50XBR1
10	KDSR60XBR1
11	KDSR60XBR2, KDSR70XBR2
12	KDL32L4000, KDL37L4000
13	KDS50AL120
14	KDS55AL120
15	KDS60AL120
16	KDL32XBR4
17	KDL70XBR3
18	KDL46V25L1
19	KDL52WL130
20	KDLV32XBR2
21	KDL70XBR3
22	KDS70Q006
23	KDX46Q005

Sony is continuing to investigate Sony products that embody the subject matter of the patents-in-suit and reserves the right to supplement this response as additional information becomes available.

**INTERROGATORY NO. 11:**

Separately for each Patented Sony Product, state the date of the earliest public use, sale, and offer for sale of such product in the United States, and identify the persons most knowledgeable and all facts and documents that refer or relate to such first public use, sale, and offer for sale.

**RESPONSE TO INTERROGATORY NO. 11:**

Sony incorporates each of its general objections by reference. Sony objects to this request as overbroad and unduly burdensome to the extent it seeks “all facts and documents.” Sony further objects to this request to the extent it calls for information protected from discovery by the attorney-client privilege and/or the work product doctrine.

1 Without waiving the foregoing general and specific objections and subject to  
2 those objections, Sony responds as follows:

3 **The '626 Patent:** After a reasonable investigation, on information and belief,  
4 Sony is unaware of any public disclosure of the inventions claimed in the asserted  
5 claims of the '626 patent prior to the public disclosure that resulted from the patent  
6 prosecution process. Further, Sony is unaware of any sale, offer for sale, or public  
7 use of the inventions claimed in the asserted claims of the '626 patent in the U.S.  
8 more than one year prior to the date of the application for patent in the U.S. Based  
9 on the best of information available to Sony at this time, the inventions claimed in  
10 the '626 patent were first sold or offered for sale in the U.S. on or about November  
11 1998.

12 **The '577 Patent:** After a reasonable investigation, on information and belief,  
13 Sony is unaware of any public disclosure of the inventions claimed in the asserted  
14 claims of the '577 patent prior to the public disclosure that resulted from the patent  
15 prosecution process. Further, Sony is unaware of any sale, offer for sale, or public  
16 use of the inventions claimed in the asserted claims of the '577 patent in the U.S.  
17 more than one year prior to the date of the application for patent in the U.S. Based  
18 on the best of information available to Sony at this time, the inventions claimed in  
19 the '577 patent were first sold or offered for sale in the U.S. in November 1998.

20 **The '542 Patent:** After a reasonable investigation, on information and belief,  
21 Sony is unaware of any public disclosure of the inventions claimed in the asserted  
22 claims of the '542 patent prior to the public disclosure that resulted from the patent  
23 prosecution process. Further, Sony is unaware of any sale, offer for sale, or public  
24 use of the inventions claimed in the asserted claims of the '542 patent in the U.S.  
25 more than one year prior to the date of the application for patent in the U.S. Based  
26 on the best of information available to Sony at this time, the inventions claimed in  
27 the '542 patent were first sold or offered for sale in the U.S. in November 1998.  
28

1       **The '847 Patent:** After a reasonable investigation, on information and belief,  
2 Sony is unaware of any public disclosure of the inventions claimed in the asserted  
3 claims of the '847 patent prior to the public disclosure that resulted from the patent  
4 prosecution process. Further, Sony is unaware of any sale, offer for sale, or public  
5 use of the inventions claimed in the asserted claims of the '847 patent in the U.S.  
6 more than one year prior to the date of the application for patent in the U.S. Based  
7 on the best of information available to Sony at this time, the inventions claimed in  
8 the '847 patent were first sold or offered for sale in the U.S. in November 1998.

9       **The '373 Patent:** After a reasonable investigation, on information and belief,  
10 Sony is unaware of any public disclosure of the inventions claimed in the asserted  
11 claims of the '373 patent prior to the public disclosure that resulted from the patent  
12 prosecution process. Further, Sony is unaware of any sale, offer for sale, or public  
13 use of the inventions claimed in the asserted claims of the '373 patent in the U.S.  
14 more than one year prior to the date of the application for patent in the U.S. Based  
15 on the best of information available to Sony at this time, the inventions claimed in  
16 the '373 patent were first sold or offered for sale in the U.S. in November 1998.

17       **The '614 Patent:** After a reasonable investigation, on information and belief,  
18 Sony is unaware of any public disclosure of the inventions claimed in the asserted  
19 claims of the '614 patent prior to the public disclosure that resulted from the patent  
20 prosecution process. Further, Sony is unaware of any sale, offer for sale, or public  
21 use of the inventions claimed in the asserted claims of the '614 patent in the U.S.  
22 more than one year prior to the date of the application for patent in the U.S. Based  
23 on the best of information available to Sony at this time, the inventions claimed in  
24 the '614 patent were first sold or offered for sale in the U.S. in 2000.

25       **The '055 Patent:** After a reasonable investigation, on information and belief,  
26 Sony is unaware of any public disclosure of the inventions claimed in the asserted  
27 claims of the '055 patent prior to the public disclosure that resulted from the patent  
28 prosecution process. Further, Sony is unaware of any sale, offer for sale, or public

1 use of the inventions claimed in the asserted claims of the '055 patent in the U.S.  
2 more than one year prior to the date of the application for patent in the U.S. Based  
3 on the best of information available to Sony at this time, the inventions claimed in  
4 the '055 patent were first sold or offered for sale in the U.S. in January 2003.

5 **The '468 Patent:** After a reasonable investigation, on information and belief,  
6 Sony is unaware of any public disclosure of the inventions claimed in the asserted  
7 claims of the '468 patent prior to the public disclosure that resulted from the patent  
8 prosecution process. Further, Sony is unaware of any sale, offer for sale, or public  
9 use of the inventions claimed in the asserted claims of the '468 patent in the U.S.  
10 more than one year prior to the date of the application for patent in the U.S. Based  
11 on the best of information available to Sony at this time, the inventions claimed in  
12 the '468 patent were first sold or offered for sale in the U.S. in January 2003.

13 **The '472 Patent:** After a reasonable investigation, on information and belief,  
14 Sony is unaware of any public disclosure of the inventions claimed in the asserted  
15 claims of the '472 patent prior to the public disclosure that resulted from the patent  
16 prosecution process. Further, Sony is unaware of any sale, offer for sale, or public  
17 use of the inventions claimed in the asserted claims of the '472 patent in the U.S.  
18 more than one year prior to the date of the application for patent in the U.S. Based  
19 on the best of information available to Sony at this time, the inventions claimed in  
20 the '472 patent were first sold or offered for sale in the U.S. in November 1998.

21 **The '182 Patent:** After a reasonable investigation, on information and belief,  
22 Sony is unaware of any public disclosure of the inventions claimed in the asserted  
23 claims of the '182 patent prior to the public disclosure that resulted from the patent  
24 prosecution process. Further, Sony is unaware of any sale, offer for sale, or public  
25 use of the inventions claimed in the asserted claims of the '182 patent in the U.S.  
26 more than one year prior to the date of the application for patent in the U.S. Based  
27 on the best of information available to Sony at this time, the inventions claimed in  
28 the '182 patent were first sold or offered for sale in the U.S. in 1998.

1 Sony notes that discovery is ongoing and that it will supplement this response  
2 if it becomes aware of any additional non-privileged, relevant information  
3 responsive to this interrogatory.  
4

5 **INTERROGATORY NO. 12:**

6 Describe in detail the total amount of damages allegedly sustained by Sony  
7 due to VIZIO's alleged infringement. A complete answer to this interrogatory will  
8 describe in detail Sony's theory of damages, the method used to calculate damages  
9 including without limitation whether the calculation is based on lost profits,  
10 reasonable royalty, or some other measure of damages, whether Sony alleges it is  
11 entitled to prejudgment interest on such damages and, if so, the interest rate and how  
12 that interest rate was determined, identify the persons most knowledgeable (other  
13 than outside counsel), and identify all documents that refer or relate thereto.

14 **RESPONSE TO INTERROGATORY NO. 12:**

15 Sony incorporates each of its general objections by reference. Sony objects to  
16 this request as premature to the extent it seeks a complete answer at this early stage  
17 of discovery. Sony further objects to this request as premature to the extent that it  
18 seeks information that is more properly the subject of expert testimony. Sony also  
19 objects to this request as over broad and unduly burdensome to the extent it seeks  
20 "all documents." Sony further objects to this request as calling for legal  
21 conclusions. Sony further objects to this request to the extent it calls for information  
22 protected from discovery by the attorney-client privilege and/or the work product  
23 doctrine. Documents that refer or relate to the factual basis for Sony's computation  
24 of damages include that which would otherwise be responsive to this request but  
25 were created by or at the direction of Sony's outside or in-house counsel and  
26 professional legal advisers. Such privileged materials and information include  
27 communications containing legal advice by and between Sony's engineers and  
28 Sony's in-house legal advisers responsible for patent prosecution, licensing, and

1 litigation. Other documents that would otherwise be responsive to this request also  
2 include materials and information prepared or exchanged in anticipation of  
3 litigation, including the case at hand and related litigations. Sony objects to this  
4 interrogatory to the extent it seeks information that contains the confidential  
5 information of third parties.

6 Without waiving the foregoing general and specific objections and subject to  
7 those objections, Sony responds as follows:

8 As discovery is in its earliest stages and Vizio has not produced any  
9 documents in response to Sony's requests for production, Sony is still evaluating the  
10 damages it intends to seek from Vizio, which "in no event [shall] be less than a  
11 reasonable royalty for the use made of the invention[s] by [Vizio], together with  
12 interest and costs fixed by the court." 35 U.S.C. § 284. Accordingly, Sony has not  
13 yet made a final determination as to the form of damages, the method of computing  
14 said damages, the period of time for those damages, or whether it will seek lost  
15 profits. Sony reserves the right to supplement this response once the parties have  
16 engaged in substantive fact and expert discovery. In addition, even though a  
17 Protective Order has not yet been entered, Sony has been and continues to work  
18 diligently to obtain any necessary consents from third parties with respect to certain  
19 licenses and royalty reports, and pursuant to Fed. R. Civ. P. 33(d), Sony refers Vizio  
20 to those documents to be produced by Sony.

21  
22 **INTERROGATORY NO. 13:**

23 Identify all agreements, assignments, or licenses relating to patents on digital  
24 television technology executed by Sony, the persons most knowledgeable thereof  
25 and all documents that refer or relate thereto.

26 **RESPONSE TO INTERROGATORY NO. 13:**

27 Sony incorporates each of its general objections by reference. Sony objects to  
28 this request as overbroad and unduly burdensome to the extent it seeks "all

1 agreements, assignments, or licenses relating to patents on digital television  
2 technology executed by Sony.” Sony objects to this request as overbroad and  
3 unduly burdensome to the extent it seeks information relating to agreements,  
4 assignments, or licenses that are not relevant to the issues presented by this case or  
5 likely to lead to admissible evidence, including documents reflecting extraterritorial  
6 licensing activity. Sony also objects to this request to the extent it seeks confidential  
7 information prior to the entry of a protective order. Moreover, Sony objects to this  
8 request to the extent it seeks the confidential information of third parties.

9 Without waiving the foregoing general and specific objections and subject to  
10 those objections, Sony responds as follows:

11 Even though a Protective Order has not yet been entered, Sony has been and  
12 continues to work diligently to obtain any necessary consents from third parties with  
13 respect to certain licenses and royalty reports. Sony will promptly supplement its  
14 response to this interrogatory once a Protective Order has been entered and any  
15 necessary consents are obtained.

16  
17 **INTERROGATORY NO. 14:**

18 Separately for each Sony Patent, state and describe in detail each and every  
19 fact concerning Sony’s allegations that VIZIO’s alleged infringement of such patent  
20 has been or is willful, and identify the persons most knowledgeable and all  
21 documents that refer or relate thereto.

22 **RESPONSE TO INTERROGATORY NO. 14:**

23 Sony incorporates each of its general objections by reference. Sony objects to  
24 this request as over broad and unduly burdensome to the extent it seeks “all  
25 documents.” Sony also objects to this request to the extent it calls for a legal  
26 conclusion. Sony further objects to this request as premature to the extent it seeks a  
27 full and complete response at this early stage in discovery. Sony further objects to  
28



1 this request to the extent it calls for information protected from discovery by the  
2 attorney-client privilege and/or the work product doctrine.

3 Without waiving the foregoing general and specific objections and subject to  
4 those objections, Sony responds as follows:

5 Vizio is aware of Sony's status as one of, if not the, leading developer of new  
6 technologies for televisions. Vizio is further aware that Sony invests an enormous  
7 amount of resources in research and development to create cutting-edge  
8 technologies that it incorporates into its products. Vizio is further aware that Sony  
9 protects its investment by aggressively seeking and procuring patent rights,  
10 including patents that cover the innovative features of its televisions.

11 Vizio was aware of Sony's extensive patent portfolio before this case was  
12 filed. Beginning in 2007, Sony engaged Vizio in a series of licensing discussions  
13 relating to the patents-in-suit. During the course of the negotiations, Sony provided  
14 information related to its patent portfolio and to the significant number of patents in  
15 its portfolio that are related to color television technology. Sony also pointed to  
16 specific patents that it believed Vizio was infringing. On September 6, 2007, Sony  
17 directly informed Vizio of its infringement of the '626, '577, '542, '847, and '614  
18 patents via letter correspondence from Jaime A. Siegel, Senior Intellectual Property  
19 Counsel for Sony. On November 7, 2007, representatives from both parties met in-  
20 person to continue the ongoing licensing negotiations. In this meeting, Sony again  
21 directly informed Vizio of its infringement of certain of the patents-in-suit.

22 Sony notes that discovery is ongoing. At this point, Vizio has not produced  
23 any documents and Sony has not yet taken a single deposition. Once the parties  
24 have engaged in substantive discovery, Sony will promptly supplement its response  
25 to incorporate responsive information from Vizio to the extent that information is  
26 not reflected therein.

1 **INTERROGATORY NO. 15:**

2 Describe in detail each and every fact concerning Sony's involvement with  
3 the Consumer Electronics Association ("CEA") Television Data Systems  
4 Subcommittee, including without limitation its involvement with CEA-708 and  
5 digital television closed captioning standards, and identify the persons most  
6 knowledgeable and all documents that refer or relate thereto.

7 **RESPONSE TO INTERROGATORY NO. 15:**

8 Sony incorporates each of its general objections by reference. Sony objects to  
9 this request as over broad and unduly burdensome to the extent it seeks "every fact"  
10 and "all documents." Sony further objects to this request as premature to the extent  
11 it seeks a full and complete response at this early stage in discovery. Sony further  
12 objects to this request to the extent it calls for information protected from discovery  
13 by the attorney-client privilege and/or the work product doctrine.

14 Without waiving the foregoing general and specific objections and subject to  
15 those objections, Sony responds as follows:

16 Pursuant to Federal Rule Civil Procedure 33(d), Vizio may derive or ascertain  
17 information responsive to this interrogatory from at least the following documents  
18 produced in this matter: SONY0005722-5815 and SONY0005816-5932.  
19 Furthermore, Sony continues to investigate information that may be responsive to  
20 this Interrogatory and will supplement its response if additional information is  
21 located.

22  
23 **INTERROGATORY NO. 16:**

24 Describe in detail all facts concerning any disclosure, whether by Sony or any  
25 other person, of any patents to the CEA relating to digital television closed  
26 captioning, including without limitation an identification of such patents, the  
27 persons most knowledgeable concerning the disclosure, and all documents that refer  
28 or relate to the disclosure.

1 **RESPONSE TO INTERROGATORY NO. 16:**

2 Sony incorporates each of its general objections by reference. Sony objects to  
3 this request as over broad and unduly burdensome to the extent it seeks "all facts"  
4 and "all documents." Sony further objects to this request as premature to the extent  
5 it seeks a full and complete response at this early stage in discovery. Sony further  
6 objects to this request to the extent it calls for information protected from discovery  
7 by the attorney-client privilege and/or the work product doctrine.

8 Without waiving the foregoing general and specific objections and subject to  
9 those objections, Sony responds as follows:

10 Pursuant to Federal Rule Civil Procedure 33(d), Vizio may derive or ascertain  
11 information responsive to this interrogatory from at least the following documents  
12 produced in this matter: SONY0005722-5815 and SONY0005816-5932.  
13 Furthermore, Sony continues to investigate information that may be responsive to  
14 this Interrogatory and will supplement its response if additional information is  
15 located.

16  
17 **INTERROGATORY NO. 17:**

18 Explain in detail why the claims that ultimately issued in the '468 patent were  
19 not presented to the U.S. Patent and Trademark Office earlier in the chain of  
20 applications that lead to the issuance of that patent.

21 **RESPONSE TO INTERROGATORY NO. 17:**

22 Sony incorporates each of its general objections by reference. Sony objects to  
23 this request as premature to the extent it seeks a complete answer at this early stage  
24 of discovery. Sony further objects to this request to the extent it calls for  
25 information protected from discovery by the attorney-client privilege and/or the  
26 work product doctrine. Documents that refer or relate to the factual basis for Sony's  
27 computation of damages include those which would otherwise be responsive to this  
28 request but were created by or at the direction of Sony's outside or in-house counsel

1 and professional legal advisers. Such privileged materials and information include  
2 communications containing legal advice by and between Sony's engineers and  
3 Sony's in-house legal advisers responsible for patent prosecution, licensing, and  
4 litigation. Sony objects to this interrogatory to the extent it seeks information that  
5 contains the confidential information of third parties.

6 Without waiving the foregoing general and specific objections and subject to  
7 those objections, Sony responds as follows:

8 The '468 Patent is a continuation of application no. 10/323,357, filed on  
9 December 19, 2002, now Patent No. RE38,898, which is itself a continuation of  
10 application no. 09/461,136, filed on December 14, 1999, now Patent No. RE38,055.  
11 The applicants of the '468 Patent conformed with all applicable statutes and  
12 regulations. In particular, MPEP 1412.03 states:

13 A broadened claim can be presented within two years from the grant of  
14 the original patent in a reissue application. In addition, a broadened  
15 claim can be presented after two years from the grant of the original  
16 patent in a broadening reissue application which was filed within two  
17 years from the grant. Where any intent to broaden is unequivocally  
18 indicated in the reissue application within the two years from the patent  
19 grant, a broadened claim can subsequently be presented in the reissue  
20 after the two year period. . . . Thus, a broadened claim may be  
21 presented in a reissue application after the two years, even though the  
22 broadened claim presented after the two years is different than the  
23 broadened claim presented within the two years. Finally, if intent to  
24 broaden is indicated in a parent reissue application within the two years,  
25 a broadened claim can be presented in a continuing (continuation or  
26 divisional) reissue application after the two year period. In any other  
27 situation, a broadened claim cannot be presented, and the examiner  
28 should check carefully for the improper presentation of broadened  
claims.

22 Pursuant to Federal Rule Civil Procedure 33(d), Vizio may also derive or  
23 ascertain information responsive to this interrogatory from at least the following  
24 documents produced in this matter: SONY0008605-8786. Furthermore, Sony  
25 continues to investigate information that may be responsive to this Interrogatory and  
26 will supplement its response if additional information is located.  
27  
28

1 **INTERROGATORY NO. 18:**

2 Separately for each Patented Sony Product, describe in detail all facts  
3 concerning Sony's marking of patent numbers on such product under 35 U.S.C.  
4 § 287, including without limitation the date such marking began, any changes to  
5 such marking, the patent numbers used in such marking, and identifying the persons  
6 most knowledgeable about Sony's marking practices and all documents that refer or  
7 relate thereto.

8 **RESPONSE TO INTERROGATORY NO. 18:**

9 Sony incorporates each of its general objections by reference. Sony objects to  
10 this request as overbroad and unduly burdensome to the extent it seeks "all facts."  
11 Sony further objects to this request to the extent it calls for information protected  
12 from discovery by the attorney-client privilege and/or the work product doctrine.

13 Without waiving the foregoing general and specific objections and subject to  
14 those objections, Sony responds as follows:

15 35 U.S.C. § 287 states:

16 Patentees, and persons making, offering for sale, or selling within the United  
17 States any patented article for or under them, or importing any patented article  
18 into the United States, may give notice to the public that the same is patented,  
19 either by fixing thereon the word "patent" or the abbreviation "pat.", together  
20 with the number of the patent, or when, from the character of the article, this  
21 cannot be done, by fixing to it, or to the package wherein one or more of them  
22 is contained, a label containing a like notice. In the event of failure so to mark,  
no damages shall be recovered by the patentee in any action for infringement,  
except on proof that the infringer was notified of the infringement and  
continued to infringe thereafter, in which event damages may be recovered  
only for infringement occurring after such notice. Filing of an action for  
infringement shall constitute such notice.

23 Marking is not necessary, however, if a patentee asserts only method claims  
24 against an alleged infringer. *Crown Packaging Technology, Inc. v. Rexam Beverage*  
25 *Can Co.*, 559 F.3d 1308, 1317 (Fed. Cir. 2009) ("Because Rexam asserted only the  
26 method claims of the '839 patent, the marking requirement of 35 U.S.C. § 287(a)  
27 does not apply."). Sony refers Vizio to its response to Interrogatory No. 1, which is  
28 incorporated by reference herein.

1 Sony's investigation with respect to this interrogatory continues and Sony will  
2 supplement its response once the parties have engaged in substantive discovery.  
3  
4

5 DATED: April 30, 2009

As to the objections,

6  
7 By/s/ Kevin Johnson

8 Kevin P.B. Johnson  
9 QUINN EMANUEL URQUHART  
10 OLIVER & HEDGES, LLP

11 Attorneys for Plaintiff  
12 SONY CORPORATION  
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**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that a true and correct copy of:

**RESPONSE TO VIZIO, INC.'S FIRST SET OF INTERROGATORIES (NOS. 1-18)**

have been caused to be served on April 30, 2009 to all counsel of record via email.

By: /s/ Peter Klivans

Peter Klivans